

PATENT



IBM/33B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian John Cragun et al. Art Unit: 2764
Serial No.: 09/004,034 Examiner: Robert A. Weinhardt
Filed: January 7, 1998 Atty. Docket No.: IBM/33B
For: AUTOMATIC SALES PROMOTION SELECTION SYSTEM AND METHOD

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PENDING
REJECTION (37 CFR 1.321(b))

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

1. I, Steven W. Roth, submit this disclaimer and certificate on behalf of the assignee, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York having its principal place of business at New Orchard Road, Armonk, New York 10504, the Disclaimant herein.

2. I hereby certify that INTERNATIONAL BUSINESS MACHINES CORPORATION is the assignee of the entire right, title and interest in the patent application identified above by virtue of Assignment(s) of record, recorded in the Patent and Trademark Office at Reel 7332, Frames 0681-0683.

3. I am empowered to act on behalf of the assignee as identified below.

Disclaimer

4. Disclaimant, INTERNATIONAL BUSINESS MACHINES CORPORATION hereby disclaims the terminal portion of the term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of United States Patent No. 5,774,868. Disclaimant, INTERNATIONAL BUSINESS MACHINES CORPORATION, hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 5,774,868, this agreement to run with any

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patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

5. Disclaimant, INTERNATIONAL BUSINESS MACHINES CORPORATION, does not, by this disclaimer, disclaim any part of the term of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 5,774,868, in the event that later such patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated in whole or in part, prior to expiration of its full statutory term, except for through separation of legal title as stated above.

6. I hereby declare that the statements made ~~herein~~ of my own knowledge are true, and that all statements made on information and belief ~~are believed to be true~~; and further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Fee Status and Payment

7. Disclaimant is a large entity. Upon acceptance of this disclaimer, please charge the \$110.00 disclaimer fee or any fee deficiency to Deposit Account Number 23-3000.

Respectfully submitted,

INTERNATIONAL BUSINESS MACHINES CORPORATION


By: Steven W. Roth
Senior Attorney

INTERNATIONAL BUSINESS MACHINES CORPORATION